

**Appl. No.** : 10/066,406  
**Filed** : January 31, 2002

### **REMARKS**

In the Office Action mailed August 13, 2003, the Examiner noted that color photographs and drawings are acceptable only for examination purposes. The Examiner rejected Claims 6, 7, 11, 12, 24, 25, 29, 30, and 41 under 35 U.S.C. § 112 as being indefinite. The Examiner rejected, under 35 U.S.C. § 102(b), Claims 1 and 2 as being anticipated by the Deppa reference (U.S. Patent No. 1,571,235), and Claims 1-4, 8, 10, 11, 13, 14, and 16 as being anticipated by the Sauey reference (U.S. Patent No. 2,928,530). The Examiner rejected, under 35 U.S.C. § 103(a), Claims 5, 9, 12, 17-23, 26-32, and 34-36 as being unpatentable over the Sauey reference, and Claims 40-42 as being unpatentable over the Deppa reference in view of the Blunt reference (U.S. Patent No. 3,479,796).

Applicant first thanks the Examiner for extending an invitation to discuss the application as summarized in the "SUMMARY OF INTERVIEW" section. By this paper, Applicant addresses each of the issues raised by the Examiner.

#### Use of Color Photographs and Drawings

Applicant respectfully submits that the color photographs in the present Application is for examination purpose. Applicant will submit appropriate drawings corresponding to the colored illustrations in an appropriate manner.

#### Rejection Under 35 U.S.C. § 112

In the Office Action, the Examiner rejected Claims 6, 7, 11, 12, 24, 25, 29, 30, and 41 as being indefinite. The Examiner stated that in Claims 6 and 24, "the opening" limitation has insufficient antecedent support. Applicant notes that Claim 6 depend on Claims 2 where "an opening" is recited. To avoid confusion, Applicant has amended "opening" to "cover opening" in Claims 2, 3, 6, 7, and 15. Similarly, "opening" in Claims 20, 21, 24, 25, and 33 have been amended to "cover opening." Furthermore, Claim 24 has been amended to depend from Claim 20 for consistency.

The Examiner rejected Claims 11 and 29 for insufficient antecedent support for the limitation "the rounded corners." Applicant has canceled Claims 8-12 and added Claims 43-48 to capture the concepts of (1) the two side walls being shorter than the rear wall and (2) the

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corners of the rear wall being non-sharp. The antecedent support errors of Claims 11 and 29 are corrected in the added claims.

Both of the foregoing features (1) and (2) facilitate easy insertion of the container into the cover. Applicant characterizes the rear wall corners as "non-sharp," with the rounded corners being one possible configuration. No new matter is introduced by such characterization of the rear wall corners, since the concept of shaped corners facilitating easy insertion is supported in the specification (page 11, lines 5-10 in reference to Figure 4B). Moreover, no new matter is introduced by the foregoing restructuring of the claims for the purpose of clarity.

The Examiner rejected Claim 41 for depending on itself. This was an error, and should have read "The method of Claim 40." This issue is moot, however, because Applicant has canceled Claims 40-42 for the present Application. Applicant reserves the right to pursue similar method claims in an application related to the present Application.

#### Rejection Under 35 U.S.C. § 102(b) and 103(a)

The Examiner rejected independent Claims 1 and 19 under 35 U.S.C. § 102(b) and 103(a) in view of the cited references Deppa, Sauey, and Blunt. As discussed in the interview during which an agreement was reached, Applicant has amended Claims 1 and 19 to define a second opening in the container portion and further definition of a latching mechanism and secure attachment of the cover to the container. As further discussed in the interview, the Deppa, Sauey, and Blunt references do not disclose, teach, or suggest the container and cover combination as recited in the amended Claims 1 and 19. Thus, Applicant believes that Claims 1 and 19 are patentable over the cited Deppa, Sauey, and Blunt references.

Claims 2, 6, 13-15, 20, 24, and 31-33 have been canceled to reflect the amendments to Claims 1 and 9.

#### Rejection of Dependent Claims

Claims 3-5, 7, and 16-18 which depend from Claim 1, are believed to be patentable for the same reasons articulated above with respect to Claim 1, and because of the additional features recited therein. Similarly, Claims 21-23, 25, and 34-39 which depend from Claim 19, are

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believed to be patentable for the same reasons articulated above with respect to Claim 19, and because of the additional features recited therein.

#### New Claims Added

As articulated above in reference to the Rejection Under 35 U.S.C. § 112 heading, Applicant has added new Claims 43-48 and 51-56 to replace Claims 8-12 and 26-30, respectively, and to clarify the possible features associated with the rear wall. Applicant has also added new Claims 49 and 50 to articulate a feature associated with the second opening of the container as recited in the amended Claim 1. Similarly, new Claims 57 and 58 have been added to articulate a feature associated with the second opening of the container as recited in the amended Claim 19. No new matter is introduced by these new claims.

#### **SUMMARY**

For the foregoing reasons, Applicant believes that this Application is now in a condition ready for allowance and respectfully requests the prompt allowance of the same. Should there be any impediment to the allowance of this application that could be resolved by a telephone call, the Examiner is respectfully requested to call the undersigned at the telephone number shown below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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By: 

Michael H. Trenholm  
Registration No. 37,743  
Attorney of Record  
Customer No. 20,995  
(909) 781-9231